



Michael Morrow
Certified Financial Planner

FAX

Date: September 6/2018
To: Air Canada
Fax #: 514-422-5839
From: Morrow Financial Inc Michael Morrow
Pg's incl. cover: 5
RE: Small Claim Court Reports

Dear Air Canada,
I dropped a hard copy of these papers
off today to Linda Aldred
the area manager for Thunder Bay,
I wanted to also fax them to you.

Regards,

Michael Morrow

Phone: (807) 684-1805
Fax: (807) 345-2885
Cell: (807) 621-5049
Toll Free: (877) 684-1805

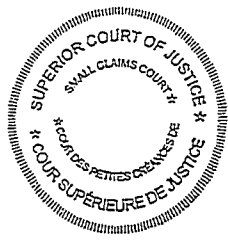
Suite 200-905 Tungsten St.
Thunder Bay, ON P7B 5Z3
morrowfinancial@tbaytel.net

Manulife Securities

| INVESTMENT SERVICES INC.

Mutual Funds

ONTARIO
Superior Court of Justice



Electronically issued: 2018/03/09
Thunder Bay - SCJ
Plaintiff No. 1

Thunder Bay Small Claims Court

Small Claims Court

125 Brodie Street North Thunder Bay ON
P7C 0A3

Address

(807) 626-7100

Phone number

Plaintiff's Claim
Form 7A Ont. Reg. No.: 258/98

SC18000001820000

Claim No.

☒ Additional plaintiff(s) listed on attached Form 1A. ☐ Under 18 years of age.

Last name, or name of company Morrow		
First name Michael	Second name	Also known as
Address (street number, apt., unit) 333 Strand Avenue		
City, town or village Thunder Bay	Province Ontario	Phone no. (807) 621-5049
Postal code P7B 5A6	Canada	Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code		Fax no.

Defendant No. 1 ☐ Additional defendant(s) listed on attached Form 1A. ☐ Under 18 years of age.

Last name, or name of company Air Canada		
First name	Second name	Also known as
Address (street number, apt., unit) 100 Princess St		
City, town or village Thunder Bay	Province Ontario	Phone no. (888) 247-2262
Postal code P7E 6S2	Canada	Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code		Fax no.

Les formulaires des tribunaux sont affichées en anglais et en français sur le site
www.ontariocourtforms.on.ca . Visitez ce site pour des renseignements sur des formats accessibles.

Claim No. _____

☒ Plaintiff No. 2☐ Defendant No.

Last name, or name of company Morrow		
First name Brunina	Second name	Also known as
Address (street number, apt., unit) 333 Strand Avenue		
City, town or village Thunder Bay	Province Ontario	Phone no. (807) 621-5049
Postal code P7B 5A6	Canada	Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code	Fax no.	

REASONS FOR CLAIM AND DETAILS

Explain what happened, including where and when. Then explain how much money you are claiming or what goods you want returned.

If you are relying on any documents, you **MUST** attach copies to the claim. If evidence is lost or unavailable, you **MUST** explain why it is not attached.

What happened? Where? When?

Our booking reference is KY8X2E.

We were supposed to fly to Las Vegas on March 12th on AC8530 leaving Thunder Bay at 6:00 am arriving in Toronto at 7:41 am. on March 12 2016

We were then connecting and flying from Toronto to Las Vegas on AC1851 departing at 9:10 am and arriving in Las Vegas at 11:10 am.

We left Thunder Bay and arrived in Toronto on time. We then sat on the plane for just over 1 hour. We were told that we would be waiting on the plane for 10 minutes, which was followed by another 10 minutes. This happened over and over again. Since I travel a lot, I basically assumed that we were going to miss our connection, which we did....

While still on our plane, I got an email from Air Canada with our new flights. Which had us stuck in Toronto for 7 hours and then have us fly to Calgary and then connect to Las Vegas, arriving after 9 pm pacific time, approximately 10 hours late.

While stuck on the plane for over an hour in Toronto I was searching for alternative flights to Las Vegas, since we had tickets for Celine Dion's final concert before a two month break in Las Vegas that evening. We showed Air Canada attendants, that there were several alternative ways that they could get us to Las Vegas in time for Celine Dion's final concert. No one at the Air Canada service counter was willing to help us including the head manager, even though we showed them that there were flights available.

We were told that we could not get on any flights since the seats were in business class. So the end result is that we lost a complete day of our five day holiday. In addition, we were not able to use our tickets to the show. The Celine Dion concert was one of the main reasons for our trip.

This was not weather related in any way. We are seeking damages for loss Ticket price plus the inconvenience and loss of a days vacation.

We are seeking compensation under article 19 of the Montreal Convention. We would also like to cite Article 26 and also article 33 (1)

Marie-Hélène Desgroseilliers
Paralegal Specialist - Litigation



AIR CANADA CENTRE 1276
P.O. Box 7000, Station Airport
Dorval, QC H4Y 1J2
T : 514 422-5888
F : 514 422-5829
marie-helene.desgroseilliers@aircanada.ca

September 25, 2018

Michael and Brunina Morrow
333 Strand Avenue
Thunday Bay ON P7B 5A6

SUBJECT: Michael Morrow et al vs. Air Canada
Court Number : SC18000001820000
Our file: LIT-2018-003403

Dear Sir, Madam:

Please find enclosed herewith a copy of Air Canada's Statement of Defense in regards to the claim bearing number SC18000001820000 pursuant to Small Claims Court Rules.

Yours sincerely,

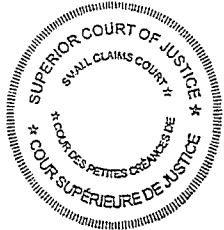
A handwritten signature in black ink, appearing to read "Marie-Hélène Desgroseilliers".

Marie-Hélène Desgroseilliers
Paralegal Specialist – Air Canada

MHD/

Encl.

ONTARIO
Superior Court of Justice



Electronically issued: 2018/03/09
Thunder Bay - SCJ

Plaintiff No. 1

Thunder Bay Small Claims Court

Small Claims Court

125 Brodie Street North Thunder Bay ON
P7C 0A3

Address

(807) 626-7100

Phone number

Plaintiff's Claim
Form 7A Ont. Reg. No.: 258/98

SC18000001820000

Claim No.

☒ Additional plaintiff(s) listed on attached Form 1A. ☐ Under 18 years of age.

Last name, or name of company		
Morrow		
First name	Second name	Also known as
Michael		
Address (street number, apt., unit)		
333 Strand Avenue		
City, town or village	Province	Phone no.
Thunder Bay	Ontario	(807) 621-5049
Postal code	Canada	Fax no.
P7B 5A6		
Representative	LSUC #	
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code	Fax no.	

Defendant No. 1

☐ Additional defendant(s) listed on attached Form 1A. ☐ Under 18 years of age.

Last name, or name of company		
Air Canada		
First name	Second name	Also known as
Address (street number, apt., unit)		
100 Princess St		
City, town or village	Province	Phone no.
Thunder Bay	Ontario	(888) 247-2262
Postal code	Canada	Fax no.
P7E 6S2		
Representative	LSUC #	
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code	Fax no.	

Les formules des tribunaux sont affichées en anglais et en français sur le site
www.ontariocourtforms.on.ca . Visitez ce site pour des renseignements sur des formats accessibles.

ONTARIO
Superior Court of Justice

Defence
Form 9A Ont. Reg. No.: 258/98

Thunday Bay Small Claims Court

Small Claims Court

**125 Brodie Street North Thunder Bay
ON P7C 0A3**

Address

(807)626-7100

Phone number

SC18000001820000

Claim No.

Plaintiff No. 1

☒ Additional plaintiff(s) listed on attached Form 1A.

☐ Under 18 years of age.

Last name, or name of company Morrow		
First name Michael	Second name	Also known as
Address (street number, apt., unit) 333 Strand Avenue		
City/Town Thunder Bay	Province Ontario	Phone no. (807) 621-5049
Postal code P7B 5A6		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.

Defendant No. 1

☐ Additional defendant(s) listed on attached Form 1A.

☐ Under 18 years of age.

Last name, or name of company Air Canada		
First name	Second name	Also known as
Address (street number, apt., unit) 7373 Boulevard Cote-Vertu Ouest		
City/Town Saint-Laurent	Province QC	Phone no. (514) 422-5000
Postal code H4S 1Z3		Fax no.
Representative Marie-Helene Desgroseilliers		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.

Les formulaires des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

SC18000001820000

Claim No.

☒ **Plaintiff No. 2**

☐ **Defendant No.**

Last name, or name of company MORROW		
First name BRUNINA	Second name	Also known as
Address (street number, apt., unit) 333 STRAND AVENUE		
City/Town THUNDER BAY	Province ONTARIO	Phone no. 807-621-5049
Postal code P7B 5A6		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town		Province
Postal code		Fax no.

☐ **Plaintiff No.**

☐ **Defendant No.**

Last name, or name of company		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town		Province
Postal code		Fax no.

☐ **Plaintiff No.**

☐ **Defendant No.**

Last name, or name of company		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town		Province
Postal code		Fax no.

THIS DEFENCE IS BEING FILED ON BEHALF OF: (Name(s) of defendant(s))

AIR CANADA

and I/we: (Check as many as apply)

☒ Dispute the claim made against me/us.

☐ Admit the full claim and propose the following terms of payment:

\$ _____ per _____ commencing _____, 20 ____ .
(Amount) (Week/month)

☐ Admit part of the claim in the amount of \$ _____ and propose the following terms of payment:
(Amount)

\$ _____ per _____ commencing _____, 20 ____ .
(Amount) (Week/month)

REASONS FOR DISPUTING THE CLAIM AND DETAILS:

Explain what happened, including where and when. Explain why you do not agree with the claim made against you.

If you are relying on any documents, you **MUST** attach copies to the Defence. If evidence is lost or unavailable, you **MUST** explain why it is not attached.

What happened? See attached Schedule "A"

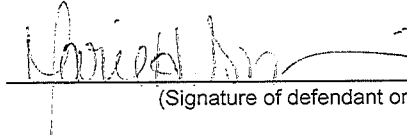
Where?

When?

Why I/we disagree
with all or part of
the claim:

☒ **ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.**

Prepared on: September 19th, 20 18


(Signature of defendant or representative)

NOTE:

Within seven (7) calendar days of changing your address for service, notify the court and all other parties in writing.

**CAUTION TO
PLAINTIFF(S):**

If this Defence contains a proposal of terms of payment, you are deemed to have accepted the terms **unless** you file with the clerk and serve on the defendant(s) a Request to Clerk (Form 9B) for a terms of payment hearing **WITHIN TWENTY (20) CALENDAR DAYS** of service of this Defence [R. 9.03(3)].

SCHEDULE "A"

Thunder Bay Small Claims Court
Court file No. SC18000001820000

Michael Morrow and Burnina Morrow

Plaintiffs

-and-

AIR CANADA

Defendant

STATEMENT OF DEFENCE

1. Unless expressly admitted elsewhere in this Defence, Air Canada expressly denies each and every allegation contained in the Claim as against it and puts the Plaintiffs to the strict proof thereof;
2. Air Canada is an air carrier specialized in the carriage of passengers, baggage and cargo and duly authorized to operate its activities in the Canadian and international air transportation field;
3. Air Canada entered into a contract of carriage by air with the Plaintiffs for international carriage on flights AC8530 and AC1851 from Thunder Bay, Canada, to Las Vegas, United States, on March 12, 2016, and returning from Las Vegas to Thunder Bay on March 17, 2016;
4. Flight AC8530 having been delayed, Plaintiffs missed their connecting flight from Toronto to Las Vegas. Air Canada rebooked them on the next available flight to Las Vegas the same day via Calgary;
5. Air Canada pleads and relies on the General Conditions of the contract of carriage between the Plaintiffs and Air Canada as contained in the passenger ticket. Air Canada further relies on the Terms and Conditions of the contract of carriage between the Plaintiffs and Air Canada, including the terms incorporated into the contract of carriage and contained in Air Canada's Tariff published and made available in accordance with regulations under the Canada Transportation Act, S.C. 1996, c. C-10;
6. Air Canada pleads that its International Tariff states that Schedules are subject to change without notice. Times and aircraft type shown in timetables or elsewhere are approximate and not guaranteed, and form no part of the contract.

7. Air Canada further pleads the Plaintiffs were on a journey of international carriage by air, departing from Canada and returning to Canada with an agreed stopping place in the United States, and that, accordingly, the rights and obligations of the parties are governed by the Montreal Convention (the "Convention"), which is an international treaty incorporated into the laws of Canada by the Carriage by Air Act, R.S.C. 1985, Chapter C-26;
8. Air Canada pleads that the Convention provides the exclusive and sole cause of action and the only remedy in the circumstances pleaded. Furthermore, the Convention only provides for economic loss or physical injury damages. This excludes claims for moral damages or loss of enjoyment;
9. Air Canada denies that the Plaintiffs suffered any losses/damages and puts the Plaintiffs to the strict proof thereof;
10. Air Canada pleads that if it is liable for any damages, which is specifically denied, the Plaintiffs' Claim is subject to the restrictions and limitations of liability in accordance with the Carriage by Air Act, R.S.C. 1985, c. C-26;
11. In the further alternative, if the Plaintiffs suffered damages, which is specifically denied, Air Canada pleads that the damages sought by the Plaintiffs are excessive, too remote and were not caused by it;
12. Air Canada therefore submits that this action be dismissed as against it with costs.

Superior Court of Justice
Cour supérieure de justice

Settlement Conference Memorandum
Procès-verbal de conférence en vue d'une transaction

Thunder Bay SCJ	SC-18-00000182-0000
Small Claims Court / Cour des petites créances de	Court File No./ N° de la demande
125 Brodie Street North	
Address / Adresse	
Thunder Bay, ON P7C 0A3	
(807)626-7100	
Phone number / N° de téléphone	

BETWEEN / ENTRE:

Michael Morrow; Brunina Morrow

Plaintiff(s) / Demandeur(s)/demanderesse(s)

and / et

Air Canada

Defendant(s) / Défendeur(s)/défenderesse(s)

Lawyer / Student-at-law / Paralegal /

Self
Representative of the plaintiff(s): Représentant du demandeur :
Self
Representative of the defendant(s): Représentant du défendeur :

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: All orders to be made on the Endorsement Record.

REMARQUE : Toutes les ordonnances seront rendues dans la fiche d'inscription.

SUMMARY OF PLEADINGS

SOMMAIRE DES ACTES DE PROCÉDURE

Claim: / Demande: Settlement Conference held. No settlement.

Defence/Defendant's Claim: / Défense/Demande du défendeur :

SUMMARY OF ISSUES

SC-18-00000182-0000

Court File No./ N° de la demande

SOMMAIRE DES QUESTIONS EN LITIGE

Issues agreed on: / Questions sur lesquelles les parties se sont entendues : _____

Issues in dispute: / Questions en litige non encore réglées : _____

Evidentiary matters/Recommendations/Other: / Questions relatives à la preuve/Recommandations/Autres remarques:

Estimated number of witnesses at trial: Plaintiff(s): 4 Defendant(s): 2
 Nombre estimatif de témoins au procès : Demandeur(s) : Défendeur(s) :
witness lists to be served on other party & file
 Interpreter required by witnesses 30 days before trial
 Interprète demandé par all documentary evidence

<input type="checkbox"/> Plaintiff(s) Demandeur(s)	<input checked="" type="checkbox"/> French/English Français/Anglais	<input type="checkbox"/> Sign Language Langage gestuel	<input type="checkbox"/> Other language (to be provided by party) Autre (doit être fourni par la partie)
<input type="checkbox"/> Defendant(s): Défendeur(s):	<input type="checkbox"/> French/English Français/Anglais	<input type="checkbox"/> Sign Language Langage gestuel	<input type="checkbox"/> Other language (to be provided by party) Autre (doit être fourni par la partie)

Estimated time of trial: 1/2 day
 Durée estimative du procès : A bilingual judge is requested

Dec 17, 2018 Judith Jacob - Deputy Quail Jari
 (Date) (Name of official / nom de fonctionnaire) Signature
Judge

parties agree videocast / teleconf witnesses

How much? \$ 1,000.00
(Principal amount claimed)

☐ ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

The plaintiff also claims pre-judgment interest from 2016/03/12 under:
(Date)

(Check only one box) ☒ the Courts of Justice Act
☐ an agreement at the rate of _____ % per year
and post-judgment interest, and court costs.

Prepared on: 03/09 , 20 18 Submitted online by: Michael Morrow
(Signature of plaintiff or representative)

Issued on: _____ , 20 _____
(Signature of clerk)

**CAUTION TO
DEFENDANT:**

IF YOU DO NOT FILE A DEFENCE (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website:
www.ontariocourtforms.on.ca

**CAUTION TO
PARTIES:**

Unless the court orders or the rules provide otherwise, **THIS ACTION WILL BE AUTOMATICALLY DISMISSED** if it has not been disposed of by order or otherwise two (2) years after it was commenced and a trial date or assessment under subrule 11.03(2) has not been requested.



For information on accessibility of court services for people with disability-related needs, contact:



Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575